

FILED  
 UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA

2008 FEB 11 PM 1:19

Magistrate Docket No. '08 MJ 0378  
 SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Raul QUIROZ-Velez,

Defendant

BY James E. Bailey DEPUTY  
 COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326  
 Deported Alien Found in the  
 United States

The undersigned complainant, being duly sworn, states:

On or about **February 9, 2008** within the Southern District of California, defendant, **Raul QUIROZ-Velez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

James E. Bailey  
 SIGNATURE OF COMPLAINANT  
 James E. Bailey  
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 11<sup>th</sup> DAY OF FEBRUARY 2008

Anthony J. Battaglia  
 Anthony J. Battaglia  
 UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:****Raul QUIROZ-Velez****PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

On February 9, 2008, Border Patrol Agents F. Guieb and L. Gutierrez were performing line watch duties in the Campo, California area of responsibility. At approximately 3:30 a.m., the agents responded to a sensor activation near Pine Valley, California. This area is located about 16 miles north of the Tecate, California Port of Entry. Agent Guieb and Gutierrez arrived in the area and positioned themselves near a trail commonly used by undocumented aliens. After a period of time, the agents encountered seven individuals walking towards them. Agent Guieb and Gutierrez identified themselves as U.S. Border Patrol Agents and questioned each subject as to their citizenship and immigration status. Each subject, including one later identified as the defendant **Raul QUIROZ-Velez**, freely admitted to being citizens and nationals of Mexico illegally present in the United States. Approximately 4:07 a.m., Agent Guieb placed the defendant and the rest of the group under arrest and made arrangements to transport them to the Campo Station for further processing.

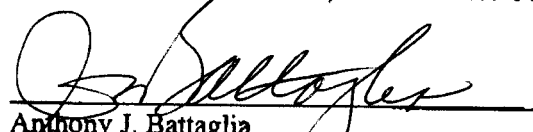
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on September 7, 2007 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

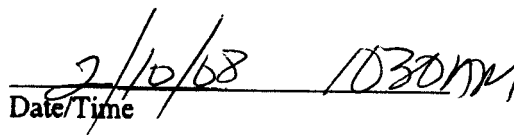
The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.

Executed on February 10, 2008 at 9:30 A.M

  
Terri L. Dimolios  
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on February 9, 2008 in violation of Title 8, United States Code, Section 1326.

  
Anthony J. Battaglia  
United States Magistrate Judge

  
Date/Time 2/10/08 1030AM

**CONTINUATION OF COMPLAINT:****Raul QUIROZ-Velez****PROBABLE CAUSE STATEMENT**


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Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on September 7, 2007 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

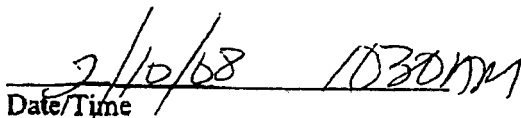
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